FILE COPY

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1945

No. 221 23

TAZE HAMRICK GIBSON, *Petitioner*

v.

THE UNITED STATES OF AMERICA, *Respondent*

ON WRIT OF CERTIORARI TO
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

APPENDIX
to Brief for Petitioner

HAYDEN C. COVINGTON
Counsel for Petitioner

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APPENDIX

[Immaterial portions of documents reproduced herein are omitted. Handwritten or typewritten answers on reproduced printed forms appear herein in *italics.*]

Government's Exhibit 1

SELECTIVE SERVICE QUESTIONNAIRE

[D. S. S. Form 40]

Order No. *12,064*
(Stamp of Local Board)
Local Board A
Union County
El Dorado, Ark.

Date of mailing *Oct 5-1942*
Name: *Taze Hamrick Gibson*
Address: *Box 775*
El Dorado Union (County) *Arkansas*

NOTICE TO REGISTRANT

You are required by the Selective Service Regulations to fill out this Questionnaire truthfully and to return it to this local board on or before the date shown below. Willful failure to do so is punishable by fine and imprisonment.

THIS QUESTIONNAIRE MUST BE RETURNED ON OR BEFORE *Oct 15 1942*

E H Mellor Member of Local Board

[Stamp of Local Board]
Local Board "A"
Union County
OCT 12 1942
406 First Natl. Bank Bldg.
El Dorado, Arkansas

STATEMENTS OF THE REGISTRANT

Series I.—IDENTIFICATION

1. My name is *Taze Hamrick Gibson*

* * *

3. My residence now is *113 Lee Ave., El Dorado, Ark. Box 775 El Dorado Union* (County) *Arkansas*

* * *

5. My Social Security number is *427-18-6296*
6. I was *20* years of age on my last birthday.

Series II.—PHYSICAL CONDITION

1. To the best of my knowledge, I *have no* physical or mental defects or diseases.
2. I *am not* an inmate of an institution.

Series III.—EDUCATION

1. I have completed *8* years of elementary school and *1* year of high school

2. I have had the following schooling other than elementary and high school *Divinity School* (Course of Study) *Ministry* (Length of Time Attended) *Have attended a full two years and still attend*
3. I *can* read and write the English language.

Series IV.—PRESENT OCCUPATION OR ACTIVITY

* * *

2. (a) The job I am now working at is: *Minister of Religion*

(b) I do the following kind of work in my present job: *Preaching the Kingdom of God for which Jesus taught his followers to pray (Matthew 6: 10)*

(c) I have had *4* years experience in this kind of work.

(d) My average *have none* earnings in my present job are $ *receive contributions*

(e) In my present job I am [x] an independent worker, working on my own account, not hired by anyone, and not hiring any help.

* * *

(h) Other business or work in which I am now engaged is *None*

* * *

Series VI.—OCCUPATIONAL EXPERIENCE, QUALIFICATIONS AND PREFERENCES

1. I have also worked at the following occupations other than my present job, during the past 5 years: *Farm laborer Farming from 1934 to 1940*

2. My usual occupation, or the occupation for which I am best fitted, is *Ministry work*

3. I *am not* licensed in a trade or profession.

4. I have worked in the following State or States during the past 2 years *Mississippi and Arkansas*

5. I prefer the following kind of work *Ministry work*. I *would not* consider accepting a job which would require me to move from my present home.

Series VII.—FAMILY STATUS AND DEPENDENTS

1. I am [x] single.

* * *

Series VIII.—MINISTER, OR STUDENT PREPARING FOR THE MINISTRY

1. (a) I *am* a minister of religion.

(b) I *do* customarily serve as a minister.

(c) I have been a minister of *Jehovah's witnesses* since *June-1938*

I *have* been formally ordained. If so, my ordination was performed on *Sept. 9, 1938* by *Bro. Miller* at *Birmingham, Alabama*

2. (a) I *am* a student preparing for the ministry in a theological or divinity school.

(b) I am attending the *Watchtower Bible and Tract Society*, which was established *before* September 16, 1939, and is located at *117 Adams Street, Brooklyn, New York*

Series IX.—CITIZENSHIP

1. I was born at *Meridian Mississippi U. S.*
2. I was born on *September 14, 1922*
3. My race is [*x*] White
4. I *am* a citizen of the United States

* * *

Series X.—CONSCIENTIOUS OBJECTION TO WAR

By reason of religious training and belief I am conscientiously opposed to war in any form and for this reason request that the local board furnish me with a Special Form for Conscientious Objector (Form 47) which I am to complete and return to the local board.

Taze H. Gibson (Signature)

Series XI.—COURT RECORD

1. I *have not* been convicted of a crime, other than minor traffic violations.

* * *

REGISTRANT'S STATEMENT REGARDING CLASSIFICATION

In view of the facts set forth in this Questionnaire it is my opinion that my classification should be Class *4-D Kindly see attached information also printed matter in the form of books, booklets, magazines, etc.*

REGISTRANT'S AFFIDAVIT

State of ....., County of ..... ss:

I, *Taze Hamrick Gibson*, do solemnly swear that I am the registrant named and described in the foregoing statements in this Questionnaire; that I have read the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information,

and belief. The statements made by me in the foregoing *are* in my own handwriting.

Taze H. Gibson

Subscribed and sworn to before me this *12* day of *Oct* 1942.

6-1-43 *J G Thomas Notary*

* * *

MINUTE OF ACTION BY LOCAL BOARD

The local board classifies the registrant in Class *1*, Subdivision *A*, by the following vote: Yes *3*, No *0*

Nov 6 1942 *A. P. Reynolds* Member

APPEAL TO BOARD OF APPEAL

I hereby appeal to the board of appeal from the determination of the local board.

Nov 12 1942 *Taze Hamrick Gibson*

MINUTE OF ACTION BY BOARD OF APPEAL

No. *2*, STATE OF *Arkansas*

The board of appeal classifies the registrant in Class *IV*, Subdivision *E*, by the following vote: Yes *4* No *0*

May 3, 1943 *S. C. Vinsonhaler* Member

MINUTES OF OTHER ACTIONS

12/10/42 District Appeal Board determined by a vote of 4 to none that registrant should not be classified in Class I-C, Class IV-F, Class IV-D, Class IV-C, Class IV-B, Class IV-A, Class III-A, Class II-B, Class II-A, or Class I-H.

S. C. Vinsonhaler Member

May 8 1943 On decision of District Appeal Board No. 2, classification changed to 4-E, by 3 votes ayes, noes 0. DSS Form 57 mailed to registrant.

E. H. Mellor

July 31, 1944 DSS 218 mailed

Government's Exhibit 2

ASSIGNMENT TO WORK OF NATIONAL IMPORTANCE
[DSS Form 49]

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
Washington, D. C.

May 23, 1944

To the STATE DIRECTOR OF *Illinois*

Registrant
Taze Hamrick Gibson
Box 82
Virden, Illinois

RECEIVED
MAY 25 1944
FIELD & SPECIAL
S.S.S. ILLINOIS

Order No. *12,064 of Local Board*
who has been classified in Class IV-E, as being conscientiously opposed to both combatant and noncombatant military service is hereby assigned to work of national importance and by order of said Local Board per D. S. S. Form 50 will be delivered to:

Camp Director
Civilian Public Service Camp No. 57
Hill City, Pennington County, South Dakota
On June 15, 1944 [correction] *Aug. 23*

LOCAL BOARD PLEASE NOTE: Registrant should be entrained for Hill City via Edgemont, S. Dak. on the C. B. and O. Railroad and must arrive in Edgemont on early morning train 41 in order to make connections with the train for Hill City, or *he should be entrained for Hill City, via Rapid City, S. Dak., whichever may be the more convenient.*

State Headquarters will immediately submit one copy of this form to the Local Board and retain one copy for its files.

Note that the time for reporting to the civilian camp is specified and this D. S. S. Form 49 must reach the Local Board so that D. S. S. Form 50 can be mailed to the Registrant in time to allow 10 days' notice before reporting for transportation.

Upon receipt of this notice, the Local Board shall prepare six copies of Order to Report for Work of National Importance (D. S. S. Form 50). The registrant shall be sent directly to the camp specified; the Local Board shall provide the transportation and meal or lodging tickets necessary.

Lewis B. Hershey,

LEWIS B. HERSHEY
Director.

Government's Exhibit 3

ORDER TO REPORT FOR WORK OF NATIONAL IMPORTANCE

[DSS Form 50]

[Local Board Date Stamp]
Local Board No. 1
Macoupin County
AUG 8 1944
Burton Building
Carlinville, Illinois

August 8, 1944
(Date of mailing)

THE PRESIDENT OF THE UNITED STATES,
To *Taze Hamrick Gibson*
Home address *1441 Main St. Buffalo, New York*
Order No. *12064*

GREETING:

Having been found to be acceptable for work of national importance under civilian direction, you have been assigned to the *Civilian Public Service* Camp *No. 57* located at *Hill City, Pennington County* in the State of *South Dakota.*

You are ordered to report to the local board named above at *2:00 p.* m. on the *21st* day of *August* 1944, where you will be furnished transportation and given instructions to proceed to the camp.

You are ordered to report to the camp pursuant to the instructions of the local board, to remain in the camp, and to perform your prescribed duties until such time as you are released or transferred by proper authority.

You will be examined at the camp for communicable diseases and instructed as to your duties.

Failure to report promptly at the hour and on the day named in this notice or to proceed to the camp pursuant to instructions or to remain in the camp and perform your duties until released or transferred by proper authority will

constitute a violation of the Selective Training and Service Act of 1940, as amended, and may subject you to punishment by fine or imprisonment or both.

Keep this form and bring it with you when you report.

[s] *Wilma Bates*
Clerk of the Local Board

* * *

INSTRUCTIONS FOR CAMP DIRECTOR

When the registrant reports to the camp, the Camp Director will fill in the lines below and mail four copies to the Director of Selective Service, 21st and C Streets NW., Washington, D. C. He will return one copy for the camp files.

The registrant reported on the *23rd* day of August 1944
Civilian Public Service Camp No. 57, Hill City, S. Dak.

[s] *Oscar W. Wiebe, Acting* Camp Director.

* * *

Defendant's Exhibit A

J. N. Weaver

National Service Board

Box 1636

Washington 13, D. C.

Re: Taze H. Gibson NSB121

Dear Mr. Weaver:

Enclosed you will find the NSB121 for the above relating to a ten-day AWOL period.

The assignee reported to camp in order to complete the administrative processes incident to induction. His letter which is a part of the 121 form explains his reason and position.

You will distribute the attached forms as per your instructions.

Very sincerely yours,

[s] Paul G. Tschetter

Paul G. Tschetter

PGT: LL

enc.

Defendant's Exhibit B

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
21st and C Streets NW.
Washington 25, D. C.

In replying address
The Director of Selective Service
and refer to No.
3-151

December 5, 1944

Mr. Atlee Beechy, Director
Civilian Public Service Camp No. 57
Hill City, South Dakota

Subject: Taze Hamrick Gibson

Order No. 12,064
Union County Local Board "A"

Dear Mr. Beechy:

Enclosed find the First Copy of the D.S.S. Form 221 for the above-named assignee who reported at your camp on August 28, 1944 and deserted on August 28, 1944.

This form has been forwarded at our request, and we are sending the First Copy to you so that your file on this assignee may be complete.

For The Director
[s] Walfred Lindstrom
WALFRED LINDSTROM
Major, AUS
Camp Operations

Enclosure: D.S.S. Form 221 (First Copy)

Defendant's Exhibit C

PERSONNEL RECORD

Date *Aug. 24, 1944*

Name *Gibson, Taze Hamrick* Date of Birth *Sept. 14, 1922*

Home address *Box 71, White Hall, Ill.*

Local Draft Board *A, El Dorado, Ark.*

Date Reported to Camp *Aug. 23, 1944*

EDUCATION:

Elementary Grade School, Grade Completed *8*

High School *Collinsville, Miss* Years *1* Year *1939*

* * *

WORK EXPERIENCE:

List actual jobs or positions which you have held:

Occupation *Minister and Missionary*

Your Duties *Preaching gospel of God's Kingdom*

Employer *Direct representative of Watchtower Bible & Tract Society*

Length of Service *Ordained in 1938 Full time minister work from 1940 to present.*

Occupation for which you have prepared *Ministry*

* * *

Further remarks *Walked out of camp Aug. 28, 1944*

Defendant's Exhibit D

NATIONAL SERVICE BOARD
for RELIGIOUS OBJECTORS
[NSB 107]

INDIVIDUAL RECORD OF CAMPEE

Camp No. *57 Hill City, S. Dak.*

Name: *Gibson, Taze Hamrick* Address: *Box 82, Virden, Ill.*

Order No. *12,064*

Religious Affiliation *Jehovah's Witness*

Entered Camp: *August 23 1944*

* * *

STATEMENT OF PERSON EXAMINED

Do you consider that you are now sound and well? *Yes* * * *

What illnesses, diseases, or accidents have you had since childhood? *None*

Have you ever had any of the following? If so, give dates: Spells of unconsciousness, convulsions, or fits *No* * * *

Are you addicted to the use of habit-forming drugs or narcotics? *No*

Have you ever since childhood wet the bed while asleep? *No*

Have you ever raised or spat up blood? *No* * * *

Have you ever been under treatment at a hospital or asylum? *No*

* * *

I certify that the foregoing questions and my answers hereto have been read over to me; that I fully understand the questions, and that my answers thereto are correctly recorded and true in all respects.

Place *Hill City S. Dakota* *Taze H. Gibson*

(Signature of person examined)

Date *August 24, 1944*

If examining physician finds assignee unfit for work of national importance under civilian direction, Camp Director must notify the National Service Board Immediately.

PHYSICAL EXAMINATION TO BE MADE ON ADMISSION TO CAMP

1. Eye abnormalities *None*

2. Ear, nose, throat abnormalities *None*

* * *

19. Summary of defects in order of importance, impression of physical fitness *Physical fitness good*

* * *

Date *Hill City, S. D.*

Place *Hill City, S. D.* *E B Hultz*

(Signature of Examining Physician)

Defendant's Exhibit E

TO WHOM THIS MAY CONCERN:

This is to certify to the fact that Taze Hamrick Gibson, Order No. 12064, White Hall, Illinois, did report to Civilian Public Service Camp 57, Hill City, South Dakota, as executed in the form DSS 50, on August 23, 1944, and did complete certain other preliminaries to beginning Work of National Importance customary to any registrant who is inducted to a Civilian Public Service Camp, and after handing me a statement of his case and attached papers in evidence thereof, claimed wrong classification, and did on August 28, 1944 leave Camp voluntarily.

Date *August 28, 1944*

Signed *Paul G. Tschetter*
Paul G. Tschetter
Camp Director
C.P.S. Camp 57
Hill City, S. Dak.

Defendant's Exhibit F

Taze Hamrick Gibson
Box 71
White Hall, Illinois
August 18 1944.

Mr. Paul G. Tschetter
Camp Director
C.P.S. Camp No. 57
Hill City, South Dakota
Dear Sir:

Due to the fact that I am a duly ordained minister of the Gospel I wish to submit to you this statement to further substantiate my claim for a 4-D classification and to show that an injustice has been done on the part of the draft board by ordering me to report to a C.P.S. Camp after classifying me in 4-E.

Since my baptism and ordination in 1938 I have been regularly preaching the good news of God's righteous Kingdom. As shown by my "Letter of Ordination" a copy of which I submit with this statment I was sent forth in 1940 in the full time ministry work as a direct representative of The Watchtower Bible and Tract Society and as a pioneer of Jehovah's witnesses to definitely assigned territory to organize bible study groups and to establish churches and to generally preach the Gospel from door to door as in the manner of Christ Jesus and the apostles. This Gospel preaching is done to-day by word of mouth, by recorded speeches and by leaving with the people bibles and bible helps.

I did my first ministry work in the local congregation of Jehovah's witnesses at Meridian, Miss. in 1938 and this I continued to do until I entered the full time ministry work in 1940 and was sent to Hattiesburg, Miss. In the fall of 1940 I was sent to Macon, Miss., where I carried on the ministry work in the rural sections and was also connected with the company of Jehovah's witnesses at Macon, Miss. In the fall

of 1941 after working at secular work a short time, and preaching the Gospel in my spare time I was sent from Macon to El Dorado, Ark. and acted as company servant in the El Dorado company of Jehovah's witnesses. I carried on the ministry work here until Oct. 1942 when I left to carry forward the ministry work in Muskogee Okla. In Feb. of 1943 I was sent to Enid, Okla. where I remained until July 1943. I was then sent to establish a congregation in the town of Virden, Ill. where I remained until October 1943. I was then sent to Geneseo Ill. where I remained until Apr. 1944 when I was sent to White Hall, Illinois where I am at the present.

I registered under the Selective Service law in June 1942 and in Oct. 1942 I received my questionnaire, properly filled it out and furnished proof of my ministerial status. Local Board "A" at El Dorado, Ark. completely ignored my claim for a 4-D classification and unjustly classified me in 1-A in November 1942. I immediately appealed to the appeal board and after I had gone to Enid, Okla. I received a notice to appear on Feb. 12, 1943 before R. S. Wilson hearing officer for the Department of Justice at Van Buren, Ark. I appeared for the hearing and on May 8th 1943 I was sent a 4-E classification by the appeal board. I then filed a statement with my local board asking them to reconsider by case and filed affidavits from other Jehovah's witnesses as proof that I was a full time minister of the Gospel. This was also ignored and I immediately wrote the State Director asking him to take an appeal in my behalf but this he refused to do. On May 24th I wrote National Headquarters of Selective Service System asking that an appeal be taken in my behalf as all efforts to obtain the proper classification in the local and State Selective Service System had been exhausted. Soon I was notified that National Headquarters had sent for my file but evidently no appeal was taken because I was ordered to report for a Final-Type Physical examination in Sept. of 1943. On July 25th 1944 I was given a preinduction examination and now I have been ordered to report on

August 21st 1944 for induction into Civilian Public Service Camp Number 57 at Hill City, South Dakota. Concerning my ministerial status at present I might add that I spend not under 175 hours per month in the ministry work which is my sole occupation. My congregation is made up of persons of good will toward God and His Kingdom and it is with these people that I conduct bible studies educating them in the truth of God's Word.

Now who but a prejudiced person would deny me the rights guaranteed every individual by the constitution of the United States. One of the four freedoms guaranteed in the post-war era is freedom of worship and now even though the ministry work is of most vital National importance, an attempt is being made to deny me this freedom as I cannot carry on the ministry work in the way that God has commanded in a C.P.S. Camp. I want it clearly understood that I will gladly obey all laws of the land that are not in conflict with Jehovah God's law. Also let it be noted that I have obeyed every order of the draft board up to the present but I cannot remain at the C.P.S. Camp. To do so would be a violation of my conscience. By water Baptism I openly symbolized my consecration to Jehovah God to do His will at all times and this covenant I will keep even unto death. To remain in camp would be breaking my covenant with the almighty God as I cannot carry out my God given commandments there. To me, work in a C.P.S. Camp would be having a part in the bloody conflict that now rages in the earth when our bible clearly shows that a Christian must be entirely neutral in the affairs of this world. (John 17: 14-16 and also John 15: 19) A Christian must follow in the foot steps of Christ Jesus and He as the great Prince of peace was entirely neutral in the controversies and affairs of this world. (Mat. 4: 8-10 and John 17: 16) I am not against the war effort of this country but my hope is in the coming Kingdom that Jesus told his followers to pray for and of which righteous conditions are foretold in the holy scriptures. (Isa. 25: 6-8 and 65: 17-25 and 2: 4) (Micah 4: 3, 4) (Isa. 9: 6, 7)

(Mat. 6:10) As shown at Isa. 43:10-12 and at Isa. 61:1, 2 I am commissioned, not by men, but by Jehovah God to tell of this righteous Kingdom to all who will hear and there is no work on the face of the earth as essential as this.

Again let me say that I want to obey all laws of man that are not in conflict with God's law, but when the laws do conflict then I must obey God rather than man (Acts 5:29).

For the above stated reasons I cannot and will not remain in a C.P.S. Camp.

Yours very sincerely,
[s] Taze Hamrick Gibson
Taze Hamrick Gibson

WATCHTOWER
BIBLE AND TRACT SOCIETY
INCORPORATED
'THIS KINGDOM GOSPEL MUST BE PREACHED'

PUBLISHING 117 ADAMS STREET BROOKLYN, N. Y.

July 5, 1941

SD-SS

TO WHOM IT MAY CONCERN.

This is to certify that Taze Gibson has been associated with the Watchtower Bible & Tract Society, Inc., according to our records, since 1937.

He was baptized in 1938 and was appointed direct representative of this organization to perform missionary and evangelistic service in organizing and establishing churches and generally preaching the Gospel of the Kingdom of God in definitely assigned territory in 1940.

Mr. Gibson's entire time is devoted to missionary work. He has declared himself to be a follower of Christ Jesus and wholly consecrated to do the will of Almighty God. He has taken a course of study in the Bible and Bible helps prescribed by this Society and has shown himself apt to preach and teach "this Gospel of the Kingdom". Matthew 24:14.

He has the Scriptural ordination to preach "this Gospel of the Kingdom." Isaiah 61:1, 2; Isaiah 52:7. He is, therefore, declared by this Society a duly ordained minister of the Gospel and is authorized to represent the Society and preach "this Gospel of the Kingdom", proclaiming the name of Jehovah God and Christ Jesus his King.

Watchtower B. & T. Society, Inc.
[s] N H Knorr Vice-President

[s] T. J Sullivan
Superintendent of Evangelists

Subscribed and sworn to before me this 5th day of July 1941.

[s] William K. Jackson
[Seal] NOTARY PUBLIC Kings County